

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9820 of 1999

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and

MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements? yes

2. To be referred to the Reporter or not? : NO
No

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
No

5. Whether it is to be circulated to the Civil Judge? : NO
No

RAHULKUMAR GUNWANTRAI JANI

Versus

STATE OF GUJARAT

Appearance:

MR JOY MATHEW for Petitioner
Mr P K Shukla, AGP for Respondent No. 1, 2, 3

CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR and

MR.JUSTICE D.P.BUCH

Date of decision: 29/12/1999

ORAL JUDGEMENT

Rule. We have heard the parties.

This petition is filed by the petitioner by way of Public Interest Litigation seeking protection to a helpless woman wandering in the streets within the jurisdiction of Ellisbridge Police Station, Ahmedabad. It is the case of the petitioner that during the month of November, he noticed a young woman lying on the road side near Sharda Mandir cross roads and wandering here and there. Though the petitioner informed the police control room on November 26, 1999, no action was taken. Again on 25th November, 1999, he noticed the said woman at the same place. He approached some voluntary organisations also but none helped the woman. He, therefore, approached this Court by filing this petition for direction to the State of Gujarat and Commissioner of Police as well as Police Inspector, Ellisbridge Police Station, Ahmedabad to take appropriate action so as to afford shelter to the lady by keeping her in some social organisation running rescue homes for women.

2. We had issued notice. Today we are issuing Rule and we have heard the learned counsel for the parties. It was stated by the learned AGP that the lady is mentally imbalanced and that she will be taken to mental hospital. So far as taking the woman to mental hospital is concerned, we do not see any ground to interfere with the said action. But if the situation arises in which she may not be kept in mental hospital for a long period and that she will be discharged from the said place, the respondent authorities are directed to keep the lady in any remand home/Nari Sadan so that she can be properly looked after. We are told that near Paldi, there is a Nari Sadan. If the authorities think it proper, she may be kept in the said Nari Sadan.

3. With the observations and directions, this petition deserves to be disposed of and is accordingly disposed of. Rule is made absolute to the above extent. No order as to costs. Liberty to apply in case of difficulty.

29.12.99 [C K Thakker, Actg.C.J.]
msp.

[D P Buch. J.]